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Letter dated 23 September 2005 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to inform you of the following:

Since the proclamation by the United Nations, on 6 September 1991, of the ceasefire in the Sahara, the international community has regularly called upon all the parties to comply with the binding obligations of international humanitarian law and to separate them from the political aspects of this regional dispute.

In this respect, the Kingdom of Morocco has fully met all its obligations, on time, in particular by releasing detainees, including Algerian soldiers, and providing all the clarifications on alleged disappearances requested by the International Committee of the Red Cross.

Through the determination of the international community, expressed, in particular, in repeated appeals by the Secretary-General and the Security Council, on 18 August 2005, after many delays and shameful manoeuvring, the arbitrary detention of the last Moroccan prisoners who were still being held at Tindouf was brought to an end, alleviating their sufferings and those of their families.

The chronicle of grave violations of the rights of the Moroccans detained in Algerian territory is continuing, however, including for the numerous people who have succumbed to the inhuman and degrading treatment of their torturers. From the point of view of international law and morality, these blatant war crimes, which have been committed against thousands of Moroccan prisoners, cannot remain unpunished.

These crimes are subject to universal jurisdiction and, since they have not been prosecuted by the Algerian justice system, they may be brought before any other national or international court.

It is a question not only of punishing the guilty, but also of compensating the victims and their families. Moreover, it is essential to bring to light the full truth about the disappearance of hundreds of Moroccans, after their arrest by the same jailers.

As to the thousands of Moroccan civilians who are still in the camps, they are not enjoying any of the fundamental rights of the individual, including freedom of expression and of movement.

The Office of the United Nations High Commissioner for Refugees (UNHCR) has not been able to conduct a census of this population, an essential element of its

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mandate, because Algeria is still making it conditional on a political process for settlement of the dispute, in flagrant violation of international humanitarian law.

The limited presence of UNHCR in the camps and among the refugees is another obstacle which the country of asylum has placed in the way of the fulfilment by UNHCR of its mandate. Moreover, the existence within the camps of detention centres and military barracks deprives them of any civilian status. The Kingdom of Morocco has constantly denounced all these violations, which cause grave damage to the peoples, who are being held hostage in violation of all the principles governing the right of asylum.

It was under these circumstances that a diversionary and propaganda exercise was undertaken in the Sahara, particularly at Laayoune, through provocations and other violent criminal acts affecting people and property and severely disrupting public order.

The Kingdom of Morocco, as a law-based State, after carrying out substantial reforms, recognized as such by the international institutions, naturally reacted to these provoked events by fully complying with the rules of law and the judicial procedures guaranteeing due process.

Meanwhile, it is true that national and international organizations have stressed the overcrowding in certain of the country's prisons, particularly the prison at Laayoune. The measures recommended by these bodies are being put into effect in order to enable these prisons to fulfil their functions, while respecting the dignity of the prisoners.

As to the photographic montages made in Laayoune prison, exploiting the manipulated images of persons who have been prosecuted or sentenced for various crimes, such as homicide, rape or drug trafficking, they are part of a blatant propaganda campaign and will in no way lessen Morocco's determination to comply with international standards, while respecting individual rights and freedoms.

All these manoeuvres coincide with hard-line official declarations designed to impede the resumption of the process of searching for a political solution, although the Security Council, in resolution 1598 (2005) of 28 April 2005, reiterated its call upon the parties and States of the region to continue to cooperate with the United Nations to end the current impasse and to achieve progress towards a political solution.

Morocco, concerned by these actions, was obliged to draw them to the attention of the Security Council, on the eve of the visit which Mr. van Walsum, Personal Envoy of the Secretary-General, is preparing to make to the region in order to investigate the positions of the various parties on the dispute over the Sahara.

The Kingdom of Morocco, for its part, reiterates its firm and constant willingness to cooperate with the United Nations to reach a final and mutually acceptable political solution to the dispute.

I should be grateful if you would arrange to have this letter circulated as a Security Council document.

(*Signed*) Mohamed **Bennouna**
Ambassador, Permanent Representative